

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FEDERAL TRADE COMMISSION,)
v.)
Plaintiff,)
) CIVIL ACTION NO. 04-CV-11136GAO
)
DIRECT MARKETING CONCEPTS, INC., et)
al.,)
Defendants.)
)
)

EXHIBIT 8

Glennon, Edward

From: Glennon, Edward
Sent: Wednesday, June 02, 2004 11:38 AM
To: 'Dan Crane'
Subject: RE: ideal health

Dan,

That's correct - there's nothing wrong with Barrett appearing in an infomercial. The important issues are whether the claims made in the infomercial are deceptive and/or unsubstantiated.

Ed

-----Original Message-----

From: Dan Crane [mailto:dcrane@campbell-crane.com]
 Sent: Wednesday, June 02, 2004 9:12 AM
 To: Glennon, Edward
 Subject: Re: ideal health

Ed, hope things worked out well re. the declaration, etc - The Ideal Health folks asked me to ask you a question regarding an upcoming infomercial involving a product - Semenex (I think) - Mr. Barrett appears on the film - They asked whether they could use the infomercial, given Barrett's problems - I told them that whether they should use it depends on whether all the claims made are verified, the ad is truthful and not misleading, etc. If they have done their due diligence, using Barrett would not be a problem, regardless of his other difficulties. However, anything involving Barrett would probably be closely scrutinized by relevant agencies, given his history, so they should be very comfortable that the infomercial will withstand a careful review. Is that about what you would say? Any other thoughts. Thanks, Dan

-----Original Message-----

From: "Glennon, Edward" <eglennon@ftc.gov>
 To: "Dan Crane" <dcrane@campbell-crane.com>
 Sent: Monday, May 03, 2004 3:10 PM
 Subject: RE: ideal health

Dan,

That's fine. Thursday would be preferable, if we can do that. Before 11 AM or between 1 and 2:30 PM would be best. We probably can do something Friday, as well, if need be.

Thanks.

Ed

-----Original Message-----

From: Dan Crane [mailto:dcrane@campbell-crane.com]
 Sent: Monday, May 03, 2004 2:54 PM
 To: Glennon, Edward
 Subject: ideal health

Ed, they are working putting together materials, but I don't think they will get them off to you tonight - more likely tomorrow morning, which makes Wednesday unlikely - lets look at Thursday or Friday for conference call - Dan

Glennon, Edward

From: dcrane@campbell-crane.com
Sent: Thursday, May 05, 2005 5:43 PM
To: Glennon, Edward
Subject: Re: Ideal Health Information

sorry, Ed, based on our conversations, thought this was what you were interested in - will talk to them and get back to you,
Dan

>
> From: "Glennon, Edward" <eglennon@ftc.gov>
> Date: 2005/05/04 Wed AM 11:53:48 EDT
> To: "Dan Crane" <dcrane@campbell-crane.com>
> Subject: Ideal Health Information

>
> Dan,
>

> I received this week a letter and materials from Scott Stanwood of Ideal
> Health regarding Ideal Health's autoship program, the relationship
> between Ideal Health's autoship program and ITV's autoship program, and
> the reasons Ideal Health posted the Supreme Greens show schedule on its
> website.

>
> While I appreciate Ideal Health's willingness to work with us, these are
> not the issues in which we are interested. Rather, we are interested in
> determining if Ideal Health possesses any documents and/or if any Ideal
> Health officer or employee (current or former) has information regarding
> (1) the operation of DMC/ITV's autoship program, particularly any
> documents or information regarding the policies or procedures DMC/ITV
> used to sign up consumers for its autoship program and the issue of
> DMC/ITV signing up consumers for the program without the consumers'
> consent; and/or (2) the various versions of the Supreme Greens
> infomercials that are listed on the show schedules sent to Ideal Health.

>
> With regard to the autoship issue, it is our understanding that Ideal
> Health, prior to or in the course of entering into a business
> relationship with DMC/ITV, may have conducted some test calls to
> investigate the practices of DMC sales representatives. It is our
> understanding that these test calls may have resulted in Ideal Health
> having some concerns about DMC/ITV sales reps placing consumers on
> autoship without adequate disclosure, or about DMC/ITV sales rep
> procedures, generally. If Ideal Health did make such calls, we would be
> interested in obtaining any related documents (e.g., correspondence
> between Ideal Health and DMC/ITV) and finding out whether someone at
> Ideal Health is knowledgeable about the topic. If Ideal Health did not
> make such calls, we still would be interested in any
> documents/knowledgeable persons regarding DMC's autoship policies,
> practices, and procedures and any concerns Ideal Health may have had
> regarding the same.

>
> With regard to the Supreme Greens infomercial issue, it appears from the
> show schedules DMC/ITV sent to Ideal Health that different versions of
> the Supreme Greens infomercial (indicated by different call codes, e.g.,
> "SGRN" or "SGCC") were airing at different times. While we understand
> that Ideal Health did not produce or purchase air time for the
> infomercial, we are interested in any documents or knowledgeable persons
> regarding the different versions. We are interested, for example, in
> knowing how the versions differed, why there were different versions of
> the show, and any reasons underlying the times during which particular
> versions aired.

>

> I would appreciate it if you could check with your client regarding the
> above and get back to me.
>
> Thanks for your help.
>
> Ed Glennon
>
> Edward Glennon
> Federal Trade Commission
> Division of Advertising Practices
> 601 New Jersey Avenue, N.W.
> Mail Drop: NJ-3212
> Washington, D.C. 20580
> Phone: (202) 326-3126
> Facsimile: (202) 326-3259
> E-mail: eglennon@ftc.gov
>
>

Farrell, Aine

From: Kara Brown [KaraB@IdealHealth.com]
Sent: Thursday, May 06, 2004 5:02 PM
To: Glennon, Edward
Cc: dcrane@campbell-crane.com; Scott Stanwood; Todd Stanwood; Lou DeCaprio
Subject: Information requested



FW: Media FW: Media FW: Media
chedule for weeks 3:chedule for weeks 3:chedule for the wee

You're welcome. I don't know ITV's coding system and how it relates to which version(s) aired. Sorry about that.

Attached you will find the e-mails from ITV's media department with attached show schedules.

If I can be any further assistance, Ed, please do not hesitate to ask.

Scott Stanwood

Vice President, Communications

Ideal Health

Glennon, Edward

From: Yeung, Kwokwai/Integrative Medicine [yeungk1@MSKCC.ORG]
Sent: Wednesday, June 02, 2004 3:10 PM
To: Glennon, Edward
Cc: Cassileth, Barrie R./Integrative Medicine
Subject: RE: Supreme Greens report

Dear Mr Glennon,

We read the documents you sent this morning.

One study cited [REDACTED] of grapefruit pectin per day can decrease LDL (bad cholesterol). The amount of grapefruit pectin in 6 capsules of Supreme Green (daily supply) is about [REDACTED] of that amount. [REDACTED]

Another source indicated that [REDACTED] solution of MSM as drinking water may reduce the risk of degeneration of articular cartilage in animals. If a human drinks [REDACTED] liters of water a day, this dose translated to an intake of [REDACTED] of MSM per day. However, the amount of MSM in 6 capsules of Supreme Green will supply only [REDACTED] or [REDACTED] of [REDACTED]

Again, this demonstrated that the quantity of the individual ingredient in Supreme Green MSM is so minute that it is unlike to have any benefit.

Feel free to contact us if we could of any help.

Thanks.

Simon (on behalf of Dr Barrie Cassileth).

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May 28, 2004

CONFIDENTIAL

*VIA FACSIMILE AND
FIRST CLASS MAIL*

Daniel Kaufman, Esq.
Shira D. Modell, Esq.
Division of Advertising Practices
Bureau of Consumer Protection
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, D.C. 20580

Re: ITV (Alex Guerrero)

Dear Daniel and Shira:

In response to our earlier conversations, please find attached a one-page document that details the ingredients of Supreme Greens and their respective proportions in the finished product. As discussed, the production of this document is in lieu of compulsory process and involves information that properly is classified as "trade secret."

The document is furnished, in part, based on our reliance on your email dated May 27, 2004 that stated that, if the FTC must use this document in connection with litigation involving the product, it would file the document with the court under seal. We expect that this production will eliminate the need for one paragraph in the proposed draft preliminary injunction on which we have been collaborating. More importantly, we also hope that it will give you comfort, at an early stage, that there are no safety issues with the product. If, after reviewing the attachment, you or your experts do have concerns about any potential safety

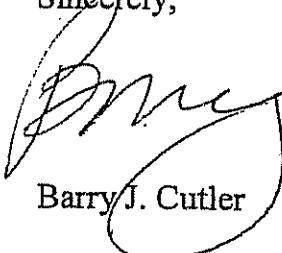
FTCITV021682

Daniel Kaufman, Esq.
Shira D. Modell, Esq.
Page 2

issues, I would appreciate your notifying me so that the company can consider the need to take steps wholly separate from the litigation.

Because the Company is submitting this information voluntarily and in lieu of compulsory process, we request confidential treatment for the submitted material. Please exempt these materials from public disclosure to the fullest extent provided by federal law, including the Freedom of Information Act, the FTC Act, 15 U.S.C. § 45 *et seq.*, and the FTC's Rules of Practice, 16 C.F.R. Part 4. To the extent permitted by law, please provide the Company and Baker & Hostetler LLP with advance notice of any disclosure to a third party, be it private, government, the Congress or pursuant to a court subpoena, and, if advance notice is not possible, notice that is contemporaneous with or as soon after the disclosure as possible.

Sincerely,



Barry J. Cutler

BJC/nrm
Enclosures

cc: Becky V. Christensen, Esq. (w/encl.)
 Christine A. Varney, Esq. (w/encl.)
 Corey W. Roush, Esq. (w/encl.)
 Andrew J. Grazini, Esq. (w/encl.)

Direct Business Concepts

Supreme Greens

* Alfalfa leaf	Medicago sativa
Parsley leaf	Coriandrum sativum
Carrot root	Daucus carota
* Shave Grass leaf	Equisetum arvense
Rosemary leaf	Rosmarinus officinalis
Beet root	Beta vulgaris
Celery seed	Apium graveolens
Dandelion leaf	Taraxacum officinale
Spearmint leaf	Mentha spicata
Corn silk	Zea mays
* Grapefruit pectin	n/a
Peppermint leaf	Mentha piperita
White Willow bark	Salix alba
Blueberry leaf	Vaccinium myrtillus
* Broccoli stems	Brassica oleracea L. var
* Cabbage leaf	Brassica oleracea
Echinacea purpurea herb	Echinacea purpurea
MSM	n/a
* Okra leaf	Abelmoschus esculentus
Raspberry leaf	Rubus idaeus
Spinach leaf	Salvia officinalis
Strawberry leaf	Sinacia oleracea
Water Cress fruit	Fragaria vesca
* Wheat Grass leaf	Nasturtium officinale
Wintergreen leaf	Triticum aestivum
* Alfalfa sprouts	Gaultheria procumbens
Barley grass	Medicago sativa
Barley sprouts	Hordium vulgare
Beet leaf	Hordium vulgare
Dog grass	Beta vulgaris
* Wheat sprouts	Elytrigia repens
Ginger root	Triticum aestivum
Garlic bulb	Zingiber officinale
* Kale leaf	Allium sativum
Pau'de arco bark	Brassica oleracea var
* Slippery Elm bark	Tabebuia heptaphylla
Goldenseal leaf	Ulmas rubra
Aloe 200:1	Hydrastis canadensis
Rice Flour	Aloe barbadensis
	n/a

Turner, Christina E.

From: Modell, Shira D.
Sent: Thursday, July 14, 2005 4:06 PM
To: 'Becky V. Christensen'
Subject: RE: Supreme Greens

Becky: Thanks. Shira.

-----Original Message-----

From: Becky V. Christensen [mailto:bchristensen@ocmiplaw.com]
Sent: Thursday, July 14, 2005 4:01 PM
To: Modell, Shira D.
Subject: RE: Supreme Greens

Shira,

The basis of that statement was William Tarmey's statements about large wire transfers to a bank in Italy. I think (???) I recall seeing wire transfers in the documents produced in this litigation, FTC v. Direct Marketing, but I'm not sure.



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From: Modell, Shira D. [mailto:SMODELL@ftc.gov]
Sent: Thursday, July 14, 2005 12:38 PM
To: Becky V. Christensen
Cc: Kaufman, Daniel
Subject: Supreme Greens

Becky:

Two questions for you.

First, you stated in a couple of your recent letters on behalf of Messrs. Geremesz and Howell that "We know assets have been moved off shore" by one or more of the DMC/ITV defendants. Can you be more specific about what you know on that issue?



Thanks,

Shira

